

THE BISBEE DAILY REVIEW

"All the News That's Fit to Print"

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A VOICE FROM MASSACHUSETTS.

Those who believe that the constitution written for Arizona is the greatest ever are joyful because the Springfield Republican has commended the document and given it applause.

However, did the Republican realize that this constitution cannot run the political gauntlet in Washington where the president and leaders of congress have already expressed intention of turning it down, thus denying statehood to Arizona? We have no doubt that the Republican would advise that it would be wise for our people to forego any objectionable features of the constitution until statehood was made certain and add such desirable things as they wanted. The article from the Republican follows:

Below, apparently the most democratic state Constitution in the country, is the sense that it would provide a government, more directly emanating from and more responsible to the people than any other, the Arizona Constitution is of no little interest. Horatio Seymour of New York used to contend, with perfect truth, that the framers of the federal Constitution of 1787 did not seek to establish a purely democratic government; what they sought, on the contrary, was to establish checks to democracy within the bounds of republican institutions. How well they succeeded may be seen in the vast powers of the American judiciary, the composition and functions of the United States senate, and the extreme difficulty that attends the amendment of the Constitution of the "fathers." For many years the new states that were admitted to the Union followed rather closely the conservative model furnished by the statesmen of 1787. But we are now in an era when that influence evidently had been entirely dissipated.

Arizona certainly has them hopelessly distanced in the science of democratic government. Even Oklahoma, which was recently exhibited as a dreadful warning, cannot display such a consistent and complete scheme of government of the people, by the people, and for the people, of the state should not be prevented from trying the kind of government that pleases them most, so long as it is a republican form of government, and can secure order and justice. The idea that the states may serve as experiment stations in the science of government is one that should not be discouraged, and, therefore, it is to be hoped that the president and congress will not undertake to dictate to the people of Arizona their constitutional law.

JUDGE BRAND AND PISTOL TOTERS

Every good citizen will commend the purpose if not the plan of Judge Charles H. Brand, of the western circuit, in deciding to impose chain-gang sentences without alternative of fines on violators of the law against carrying concealed weapons.

With no desire to be sophistical, or do otherwise than praise the courage shown by the judge's stand, we cannot refrain from suggesting that such action as he contemplates is somewhat of a "New Nationalism." As a

principle, it isn't the part of any judge's duty to so exercise his discretion as to amend or superrogate the statutory law. Wide latitude is given the courts in imposing penalties in misdemeanor and most felony cases; and for one of many acting under the statutes to lay down, as a hard and fast determination, the rule that only maximum penalties provided for a general crime shall be imposed in his circuit may tend to deprive the people of that circuit of the uniform and equitable administration of the law as is their constitutional right.

Neither, is it generally wise for a judge to predicate his actions upon current public sentiment. While nothing lasting can be accomplished without the backing of the public, its sentiment often goes away; and there is nothing to be feared more than for the courts to become dominated by the fickle and changing sentiments of the people, which are quite different from crystallized public opinion.

It is not for the courts to legislate any more than it is for them to look to the mob for orders.

It is their right and duty to exercise the wise discretions given them, but one may well doubt their right to eliminate that discretion by fixed settled policies. In the last analysis, also, they are dependent on the public, but it is their duty to rise above, and be independent of, public sentiment when it is wrong—as it often is, we regret to say.

However, it is well that Judge Brand decides to exercise his full authority in an effort to break up pistol-toting, and it is well that he calls on the public to back him up. If his method is followed to the letter there will be fewer "human arsenals" or more road workers.

Forty-nine times out of fifty, the logging of a big pistol around is a senseless waste of energy and a useless danger. No really brave man carries one regularly, and in nearly all situations presumed to justify "going armed" the man who carries the gun is in more danger than the person for whom it is carried. He is as apt to shoot himself as to shoot anyone else, and it is probable that he would hit an innocent bystander before he could land an assailant. He is apt to be caught with the goods on him and unused, in which case, if Judge Brand, or others of the Brand type happen to be the trial judge, he might face serious embarrassment.

However, the anti-pistol toter seem to forget that a pistol when carried for merely ornamental purposes is—when let alone—about as harmless as a black snake. And, if life in the penitentiary were the minimum penalty for carrying them, a lot of silly men would still lug them around feeling confident of not getting caught. This confidence is justified by the fact that ninety-nine out of one hundred don't get caught. How many habitual "weapon bearers" have you known to be arrested and fined for violating the law which they violate regularly? We won't say with impunity, for unless they happen to use or attempt to use a pistol, there is no easy way of catching them—barring the "plain drunks and 'crap-shooters'."

And there's the rub. Those who use pistols are in less danger of conviction and of having to pay heavy penalties than are those who carry them, but don't use them, and get caught.

When a man gets caught using a revolver with the result of maiming or endangering the life of one, he is usually able to drum up an "excuse" that not only wins him the "sympathy" of a large part of the public, but which influences the jury to acquit or recommend mercy. It has become a popular saying that it is less dangerous to kill a man than to maim him, and, without much more extravagance, it might be carried farther, and say that it is less dangerous to use a pistol than to get caught carrying one concealed.

No law-abiding citizen has any sympathy for the habitual lugger of ugly weapons, and the courts should be upheld in any attempt to stop the practice.

But the best way to stop the practice is to make the penalties for using pistols so severe that men will recognize the danger of even having them about.

The courts should not only make examples of simple-minded negroes and careless white men who happen to get caught in some form of disorderly conduct and are found to be carrying revolvers, but should impose the heaviest penalties consistent with justice, on those who attempt to shoot their fellow beings.

The fact of a man carrying a big revolver around should not be ignored by juries when of evidence in cases involving murder or attempt to murder. Instead of accepting the flimsy excuses of defendants, they should take the fact of them having a weapon as indicative of positive or constructive premeditation.—Augusta (Ga.) Chronicle.

VETERAN SOLDIER RETIRES

WASHINGTON, D. C., Dec. 30.—Today, after a career of nearly 45 years of faithful and efficient service as an officer of the United States Army; Brig. Gen. Walter Howe, for some time past commander of the department of Dakota, was placed on the retired list on account of having reached the age limit for active service. The vacancy caused by his retirement is to be filled by the promotion of Col. Joseph W. Duncan, of the Sixth Infantry.

Gen. Howe is from Indiana, and was graduated from the United States Military Academy in 1867. During his early service he participated in various campaigns against the Indians notably in 1868, under Gen. Sheridan and Custer; in the Powder River expedition in 1876, under Gen. Cook, when he commanded a force of some 200 friendly Indians, and again in the Modoc war, in 1875.

From 1878 to 1898 he was employed in garrison duty with his regiment, except for some four years spent in duty as military instructor at the State College of Pennsylvania and at Cornell College at Mount Vernon, Iowa. In 1898 he was placed in charge of the artillery defenses of the Potomac river and the next year was commissioned colonel of the 47th Volunteer Infantry, and sent to the Philippines. He and his regiment participated in many engagements. Prior to taking command of the department of Dakota in the early part of this year Gen. Howe served as inspector general of the department of the east.

KILLS HUSBAND AND SELF

EUREKA, Cal., Dec. 30.—The body of Albert Boquies, stretched in bed in his room and the unconscious form of his wife lying nearby, were found by a cook employed at the Union hotel at Blue Lake today. Bullet wounds were in the heads of both, and Mrs. Boquies died a few hours later. A small calibre revolver which was still clutched in the dying woman's hand is supposed to indicate she fired the shot which killed her husband then turned the weapon on herself. Boquies, the proprietor of the hotel, was heard quarreling with his wife late last night. Jealousy is believed to have prompted the tragedy.

SIMPLE INAUGURATION

ALBANY, N. Y., Dec. 30.—True democratic simplicity will mark the inauguration of John A. Dix as Governor of the state of New York. The inauguration usually occurs on New Year's Day, but as the first day of the year falls on Sunday this year the inauguration ceremonies will of course be deferred until Monday. In order, however, that no question of regularity may be raised the new governor will follow the example set by Col. Roosevelt in 1899 and will take the oath of office in private in the Secretary of State's office tomorrow night or Sunday morning. On Monday the inauguration parade and the formal induction into office will take place. The parade, it is understood, will be confined to a few military organizations. Troop B of this city will escort the Governor. A public reception will be held after the conclusion of the there will be no inaugural ball.

PUERTO CORTES, Honduras, (via wireless to New Orleans) Dec. 30.—An attack upon Puerto Cortes by the revolutionary gusabot Horner, which is reported several miles off this coast late last night, is expected. Several hundred government troops arrived yesterday from Tegucigalpa and others came in this morning. Fighting already has begun at Laquebrados, according to reports.

JEALOUS TAILOR SHOOTS BUSINESS RIVAL

LOS ANGELES, Dec. 30.—Sam Wiser, proprietor of a tailoring establishment, fatally shot outside of his place of business. He died tonight and the police have been unable to find C. H. Dick, a business competitor, whom Wiser says shot him. The two places adjoin and it is said the men quarreled frequently. It is said Dick brooded over loss of business and when the two met today he drew a revolver and fired. Two bullets lodged in the body and a third went wild.

FRISCO IS SURPRISED OVER SUGAR RUMORS

SAN FRANCISCO, Dec. 30.—Advices from Washington that sensational disclosures relative to alleged sugar frauds at this port are believed to be impending caused a surprise here, as it was tentatively understood that the investigation made by the local federal grand jury last spring developed no evidence of any attempt to cheat the government.

The investigation which lasted about ten days, was conducted in close secrecy by Special Prosecutor Jas. R. Knapp, who was detailed by Wickensham to make a thorough inquiry into methods of alleged coast branch of the sugar trust. Many prominent sugar dealers, officials of the refinery companies, and large whole sale grocery houses testified before the grand jury on rates, possible combinations, markets and matters pertaining to importation of sugar. Knapp transmitted the report of the investigation direct to Wickensham, no hint of the nature of the findings being made public.

LOCAL OPTION FIGHTS

OTTAWA, Ont., Dec. 30.—Through out the whole extent of Ontario, from Glengarry county in the east to Essex county in the west, the final skirmishing is now on in what is regarded as the most important local option campaign ever waged in the Province. On Monday next more than four-score municipalities, including many of the leading cities, will vote upon the question of local prohibition.

The temperance forces are thoroughly organized and have conducted an aggressive campaign. The anti-prohibition element professes to feel no fear over the outcome of the contest, but unprejudiced opinion inclines to the belief that the elections will result in a considerable addition to the dry area of the Province.

There are 816 municipalities in Ontario at the present time with a total of 1,950 licenses. Four hundred and ten of these municipalities are now dry and 406 wet, or in other words the strength of the opposing elements is almost equally divided.

A striking feature of the campaign is the comparatively few attempts being made to repeal local option. Last year there were 111 municipalities in which repeal contests were possible, but in only 12 was the matter brought to a vote, and only 2 bylaws were repealed. This year there are 128 municipalities in which local option bylaws have been in force for 2 years or more, and where repeal contests might be made in accordance with the law. But of the entire 128 places only half a dozen have taken advantage of the privilege and will vote on the question of repeal. This fact is cited by the advocates of prohibition as affording conclusive evidence of the success of the anti-alcohol laws and as an indication of a still further weakening of the liquor traffic as a result of next week's elections.

EXPECTS DEAD TO RISE

NEW YORK, Dec. 30.—The first interview with Mrs. Augusta E. Eddison, formerly director of the First Church of Christ, Scientist, in this city, given since the death of Mrs. Eddy, makes the positive statement tonight that she expects that Mrs. Eddy will yet "demonstrate" her death. "I believe," she said "that Mrs. Eddy will make a manifestation and that she will reveal herself to me and others—to the outside world. The same situation exists today as when Jesus of Nazareth was buried."

PRIZE SCORES RETURNED.

NEW YORK, Dec. 30.—Missing opera scores in the \$10,000 prize contest of the Metropolitan Opera House for American composers, which disappeared from an express wagon Saturday were returned today unharmed. Where they have been, or how removed from the wagon, remains mysterious, although Donald Higgins, who brought them back, has been charged with larceny and held in \$2,000 bail. Metropolitan directors gave out the statement tonight that the scores were unharmed and that sealed envelopes containing the names of composers had not been tampered with.

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7:10 a. m. iv. Clifton ar. 4:50 p. m.
7:50 a. m. iv. Guthrie lv. 4:16 p. m.
8:35 a. m. iv. Duncan lv. 3:22 p. m.
9:55 a. m. iv. Lordsburg lv. 2:15 p. m.
11:05 a. m. Hachita lv. 12:50 a. m.
South bound train connects with Southern Pacific west bound train No. 1, leaving Lordsburg 10:53 a. m. mountain time.
South bound train connects with El Paso & Southwestern east bound train for El Paso, leaving Hachita at 12:35 p. m. mountain time, and with west bound train for Douglas and Bisbee, leaving Hachita at 11:10 a. m. mountain time.

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